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February 7, 2025

**Via e-filing**

The Hon. Alan S. Trust, Chief Judge  
United States Bankruptcy Court  
Eastern District of New York  
Courtroom 960  
D'Amato Federal Courthouse  
290 Federal Plaza  
Central Islip, New York 11722

**RE: Amsterdam Continuing Care Retirement Community, Inc.  
Case No. 23-70989 (AST)**

Dear Honorable Judge Trust:

For purposes of this correspondence, my firm represents Gabriel and Dorothy Sunshine, who also happen to be my parents. I am writing on their behalf to object to the proposed sale of The Amsterdam at Harborside. I am also writing on behalf of my parents' other 3 children, their two daughters-in-law, and their grandchildren.

I am certain that there are many other families who feel as we do. Most of them are hopeful that a settlement will be reached once this sale is approved. I do not share their confidence.

There is no written agreement in place which will *to any extent whatsoever* compensate the Residents of the Amsterdam at Harborside ("The Amsterdam"), past and present, deceased or living ("the Residents"). If this sale is approved, I do not believe that any reasonable offer will ever be made to the Residents.

I am not at all trying to pander to Your Honor by stating that, from what I have observed from afar, and through counsel, it is clear that Your Honor has empathy and tremendous consideration for the Residents of The Amsterdam. That is apparent both by your statements and by your actions.

Thus, it is probably not necessary for me to "personalize" our parents' situation for you, but please indulge me and allow me to do so very briefly.

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My mother is 88 years of age, and has had an amazing life. She was the daughter of poor parents, rich in love. She attended NYU as an undergraduate, and then was one of only 2 women – among 248 men – in the Masters Program in Biology from NYU back in the late 50s. When she moved on to the PhD program, she met my Dad (now 90), who was a fighter pilot in the United States Air Force, who was also at NYU studying for his PhD in Atomic Physics. He too was the son of poor immigrants. My Dad broke the sound barrier not too many years after Chuck Yeager did it. He served 30 years in the United States Air Force, and, besides his flying prowess, he was also a decorated leader, ultimately attaining the rank of Colonel, and had 2,000 airmen under his command. Many of those years were in the USAF Reserves, so that he could pursue his simultaneous career as a Professor of Physics at New York Institute of Technology here on Long Island. He taught there for 52 years. Meanwhile, my Mom was raising us 4 kids, often with my Dad not home, because he was teaching or flying around the world. She was well-known as a kind and caring person. Eventually, when we were all in high school, she too began working for a small, family accounting firm where she remained for 30 years, while she also ran a side business out of our home, designing and selling wedding invitations for young couples. My mom worked into her late 70s, until her memory issues began.

I could go on and on about my parents and their amazing lives. Now, let me bring their story to the relevancy of these proceedings. Air Force personnel are not paid well at all. College professors are not paid very highly either. The few bucks that my Mom earned as a bookkeeper and doing wedding invitations helped pay for college for the 4 kids. My parents saved and saved, while paying off their mortgage of their modest home. They “did without” as many children of World War II were trained to do. Other families had nicer, newer cars, and fancier vacations, and my parents saved instead. It’s miraculous that they had the financial ability to place a downpayment on their “Entrance Fee” into The Amsterdam, then sell their home where they lived since 1968, to pay the remainder of a nearly \$1 million Entrance Fee. My parents chose to go there to live out the rest of their lives.

The main features of The Amsterdam that were appealing to my parents were:

- (1) that 80% of their Entrance Fee would be refunded to their children and grandchildren,
- (2) that they would be able to, if and when necessary, move to the Assisted Living/Memory Care wing, and/or then the Tuttle Nursing Home, all within the same building, and
- (3) by virtue of their \$1 million investment, they would have monthly fees that, while not inexpensive, were far less expensive than an assisted living or nursing home would be.

The individuals that operated The Amsterdam have robbed my parents, not only of an enormous amount of money that they scrimped and saved for decades, but of their peace and their dignity too. My mother has had full dementia, and has been in the Tuttle Nursing Home at the Amsterdam, for years. My father had been living in IL, but he needed to move to Tuttle just this past year, because he needs a higher degree of care.

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My parents were forced last week to move out of Tuttle, and into an unrelated Assisted Living facility. I don't want to get too far afield, but last week, hours after my mother arrived in her wheelchair at her new facility, she was rushed to a hospital, where she remains to this day. My father is now in a completely unfamiliar new facility – at this moment without my mother – and you can imagine how difficult that is for him and the rest of our family.

All of the Residents' interests are much more important, morally and legally, than those of the Bondholders, or the large, corporate proposed purchaser, and certainly that of the Amsterdam/Member. Although each of those stakeholders has purportedly "compromised", none of those compromises are reduced to writing, signed by their agents. They are promises only at this point, perhaps empty ones. And their financial bottom lines are not nearly as concerning as those of the Residents, their life savings, and their bargained-for right to live out the rest of their lives in dignity and peace.

Our family totally respects the position of those Residents (and their family members) who (or whose parents) currently reside in "Independent Living" that they want this sale to go through. They don't want to upset their lives, and potentially their health, by moving. These folks are equally furious about the absconding of their life savings, but their first priority, understandably, is not having to move out of their current homes at their age and frailty. Our parents did not have that choice.

More importantly, whether an IL Resident, or one in the Health Center, we do not believe that this sale currently benefits any of the Residents financially, because the best leverage we have lies in your hands, Your Honor. If this sale is approved, the purchaser benefits from a discounted purchase price for a property "in distress". The Bondholders benefit from receiving a substantial portion of their investment back, and the Member/ANH benefits by having a great deal of their debt retired, as well as being rid of the "headache" of ... what they did to these Residents.

Again, at this moment, not a single dollar is being paid to the Residents through a written agreement. It seems to me that the parties to the sale are holding out until this sale is approved, and then they are going to offer us 10 cents on the dollar.

At this time, I implore Your Honor to reject this sale, and let the chips fall where they may.

Respectfully submitted,



Joel M. Sunshine  
On behalf of Dorothy and Gabriel Sunshine